

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

TYLER CHRISTIAN ANDERSON,

Plaintiff,

v.

C.O. SHEEKS, et al.,

Defendants.

Case No. 3:20-cv-00143-MMD-WGC

ORDER

On March 8, 2021, the Court issued an order screening Plaintiff's complaint pursuant to 28 U.S.C. § 1915A. (ECF No. 3.) The screening order allowed some of Plaintiff's claims to proceed and dismissed other claims without prejudice and with leave to file an amended complaint within thirty (30) days. (*Id.* at 8-9.) The order noted that if Plaintiff chose not to file an amended complaint, this action would proceed immediately on the colorable claims in the initial complaint. (*Id.* at 9.)

Plaintiff has now filed a motion for an extension, stating that he has had difficulty getting a financial certificate due to the COVID-19 pandemic. (ECF No. 5.) Plaintiff requests an extension of 90 days to file a new application to proceed *in forma pauperis*. (*Id.* at 2.) It appears that Plaintiff has misunderstood the Court's order and believes that he must file a new application to proceed *in forma pauperis*. Plaintiff does not need to file a new application to proceed *in forma pauperis*. The Court gave Plaintiff leave to file an amended complaint, if so wishes. However, in light of Plaintiff's misunderstanding, the Court will give Plaintiff an extension of thirty days from the date of this order to file an amended complaint, if he so chooses.

If Plaintiff chooses to file an amended complaint, he is advised that an amended complaint supersedes (replaces) the original complaint and, thus, the amended complaint must be complete in itself. See *Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1989) (holding that "[t]he fact that a party was named in the original complaint is irrelevant; an amended pleading supersedes the original"); see also

1 *Lacey v. Maricopa Cnty.*, 693 F.3d 896, 928 (9th Cir. 2012) (holding that for claims  
2 dismissed with prejudice, a plaintiff is not required to reallege such claims in a subsequent  
3 amended complaint to preserve them for appeal). Plaintiff's amended complaint must  
4 contain all claims, defendants, and factual allegations that Plaintiff wishes to pursue in  
5 this lawsuit. Moreover, Plaintiff should file the amended complaint on this Court's  
6 approved prisoner civil rights form, and it must be entitled "First Amended Complaint."

7 If Plaintiff chooses not to file an amended complaint this case will proceed  
8 immediately on Plaintiff's colorable claims, as discussed in the Court's previous screening  
9 order. (ECF No. 3.)

10 For the foregoing reasons, **IT IS ORDERED** that:

11 1. Plaintiff's motion for an extension (ECF No. 5) is granted in part. If Plaintiff  
12 chooses to file an amended complaint curing the deficiencies of his complaint, as outlined  
13 in the Court's previous screening order, Plaintiff will file the amended complaint within 30  
14 days from the date of entry of this order.

15 2. It is further ordered that, if Plaintiff chooses not to file an amended complaint  
16 curing the stated deficiencies of the complaint, this action will proceed immediately on  
17 Plaintiff's colorable claims, as discussed in the Court's previous screening order.

18 DATED THIS 14th day of April 2021.

19  
20 *William G. Cobb*

21 UNITED STATES MAGISTRATE JUDGE  
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